

Appl. No.: 10/017,165
Amendment dated February 24, 2010
Reply to Office Action dated November 24, 2009

REMARKS/ARGUMENTS

With this Amendment, Applicant amends claims 1, 7, 14, 15, 17, 18, 19, 21, 28, 29, 35 and 42 and cancels claims 2, 8, 16, 22, 30 and 36 without prejudice or disclaimer. Additionally, Applicant adds new claims 43-48. No new matter is added. Accordingly, claims 1, 3-5, 7, 9-12, 14, 15, 17-19, 21, 23-26, 28, 29, 31-33, 35, 37-40 and 42-48 are all the claims currently pending in the application. Based on the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration of the application and allowance of the claims.

I. Rejection of Claims 29-33, 35-40 & 42 Under 35 U.S.C. § 101

Claims 29-33, 35-40 and 42 stand rejected under 35 U.S.C. § 101 allegedly because the claimed invention is directed to non-statutory subject matter. In particular, the Examiner alleges that the specification does not describe the types of media encompassed by the recitation “computer usable storage medium.” (See pg. 3 of the Office Action) In this regard, the Examiner alleges that the claimed computer medium “may include transitory media” such as “carrier waves, signal[s]” as well as “non-transitory storage devices” which “are non-statutory.” (See *id.*)

In contrast to the Examiner’s assertion, Applicant points out that at least page 33, lines 8-16 of the originally-filed specification describes an exemplary non-limiting embodiment in which a database may have computer code. As such, Applicant submits that the recitation “computer usable storage medium” is indeed supported in the specification by a tangible computer medium as opposed to “transitory media (i.e., carrier waves, signal[s])” as alleged by the Examiner. Moreover, independent claims 29 and 35 are herein amended to recite a “tangible computer usable storage medium”.

In view of at least the foregoing, Applicant respectfully requests the Examiner to reconsider and withdraw the § 101 rejection of claims 29-33, 35-40 and 42.

II. Rejection of Claims 1-5, 7-12, 14-19, 21-26, 28-33, 35-40 & 42 Under 35 U.S.C. § 103(a)

Claims 1-5, 7-12, 14-19, 21-26, 28-33, 35-40 and 42 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Teagarden et al. (U.S. Patent No. 6,014,631;

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hereinafter “Teagarden”), Walker et al. (U.S. Patent No. 6,302,844; hereinafter “Walker”) and further in view of Papageorge (U.S. Patent No. 6,584,445; hereinafter “Papageorge”).

In contrast to amended independent claim 1, Teagarden, Walker and Papageorge, taken individually or in combination, do not teach or suggest and are altogether silent regarding a method of providing professional services, comprising *inter alia*, allowing a person to access a secure area and *view the information provided by the professional services provider advising* the person about *a medical matter* in *response* to receipt of the information associated with the medical matter that was *entered via a client device by the person*, as recited by amended independent claim 1.

In rejecting claim 1, the Examiner correctly concedes that Teagarden and Walker do not teach or suggest all of the features of claim 1. However, the Examiner relies on Papageorge to make up for the deficiencies of Teagarden and Walker. (See pgs. 4-5 of the Office Action) Applicant disagrees and submits that Papageorge does not make up for what Teagarden and Walker lacks.

In contrast to independent claim 1, the cited portion and indeed all of Papageorge, alone or in combination with Teagarden and Walker, at most discloses that a patient may input treatment preferences via a patient input module and a physician may provide a clinical status in response by using a physician input module. In this regard, Papageorge, alone or in combination with Teagarden and Walker, describes that *an algorithm* of a system utilizes the information of the patient and the physician and compares this information to a database of the latest medical findings in order to generate a report setting forth treatment options. (Col. 4, lines 15-27, Col. 7, lines 1-24 & Abstract of Papageorge)

However, Papageorge, alone or in combination with Teagarden and Walker does not provide the patient with the response entered by the physician, as would be required by the recitations of claim 1. Rather, Papageorge, alone or in combination with Teagarden and Walker, at most provides the patient with a report of various treatment options generated by an algorithm based on medical findings of a database that are compared with patient and physician responses. Utilizing an algorithm to generate a report of treatment options based on medical findings in a database and patient and physician responses does not teach or suggest allowing the person to access the secure area and view the information provided by the professional services provider *in*

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response to receipt of the information entered by the person which is associated with a medical matter of the person, as would be required by the recitations of claim 1.

Based on at least the foregoing reasons, Applicant submits that the combination of Teagarden, Walker and Papageorge is deficient and does not teach or suggest all of the features of claim 1. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of claim 1 and its dependent claims 3-5.

Since independent claims 7, 15, 21, 29 and 35 contain features that are analogous to, though not necessarily coextensive with, the features recited in independent claim 1, Applicant submits that independent claims 7, 15 and 21 and their respective dependent claims 9-12, 14, 17-19, 23-26 and 28 as well as independent claims 29 and 35 and their respective dependent claims 31-33, 37-40 and 42 are patentable at least for reasons analogous to those submitted for claim 1.

III. New Claims

Applicant herein adds new claims 43-48 in order to more fully cover various aspects of Applicant's invention as disclosed in the specification. In addition to their respective dependencies from independent claims 1, 7, 15, 21, 29 and 35, claims 43-48 should be allowable because the cited references, alone or in combination, do not teach or suggest the recitations of claims 43-48.

IV. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Porter is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee

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required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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